

By: Zaffirini, Garcia

S.B. No. 50

A BILL TO BE ENTITLED

AN ACT

relating to the offense of hazing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.151(6), Education Code, is amended to read as follows:

(6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student~~[, that endangers the mental or physical health or safety of a student]~~ for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

(A) is~~[. The term includes:~~

~~[(A)]~~ any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) involves ~~[any type of physical activity, such as]~~ sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) involves ~~[any activity involving]~~ consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (F), that

1 subjects the student to an unreasonable risk of harm or that  
2 adversely affects the mental or physical health or safety of the  
3 student;

4 (D) is any activity that:

5 (i) a reasonable person would believe  
6 intimidates or threatens the student with ostracism, ~~[that]~~  
7 subjects the student to extreme mental stress, shame, or  
8 humiliation, ~~[that]~~ adversely affects the mental health or dignity  
9 of the student, or discourages the student from entering or  
10 remaining registered in an educational institution;~~[7]~~ or

11 (ii) [that] may reasonably be expected to  
12 cause the [a] student to leave the organization or the institution  
13 rather than submit to the activity ~~[acts described in this~~  
14 ~~subdivision]; ~~and]~~~~

15 (E) is any activity that induces, causes, or  
16 requires the student to perform a duty or task that involves a  
17 violation of the Penal Code; or

18 (F) involves coercing, as defined by Section  
19 1.07, Penal Code, the student to consume an alcoholic beverage,  
20 liquor, or drug.

21 SECTION 2. Section 37.155, Education Code, is amended to  
22 read as follows:

23 Sec. 37.155. IMMUNITY FROM PROSECUTION OR CIVIL LIABILITY  
24 AVAILABLE. (a) In the prosecution of an offense under this  
25 subchapter, the court may grant immunity from prosecution for the  
26 offense to each person who is subpoenaed to testify for the  
27 prosecution and who does testify for the prosecution.

1        (b) Any person who voluntarily reports ~~[reporting]~~ a  
2 specific hazing incident involving a student in an educational  
3 institution to the dean of students or other appropriate official  
4 of the institution is immune from civil or criminal liability that  
5 might otherwise be incurred or imposed as a result of the reported  
6 hazing incident if the person:

7            (1) reports the incident before being contacted by the  
8 institution concerning the incident or otherwise being included in  
9 the institution's investigation of the incident; and

10           (2) as determined by the dean of students or other  
11 appropriate official of the institution designated by the  
12 institution, cooperates in good faith throughout any institutional  
13 process regarding the incident ~~[report]~~.

14        (c) Immunity under Subsection (b) extends to participation  
15 in any judicial proceeding resulting from the report.

16        (d) A person is not immune under Subsection (b) if the  
17 person:

18            (1) reports the person's own act of hazing; or

19            (2) reports an incident of hazing ~~[reporting]~~ in bad  
20 faith or with malice ~~[is not protected by this section]~~.

21        SECTION 3. Subchapter F, Chapter 37, Education Code, is  
22 amended by adding Section 37.158 to read as follows:

23        Sec. 37.158. VENUE. (a) In this section, "prosecuting  
24 attorney" means a county attorney, district attorney, or criminal  
25 district attorney.

26        (b) An offense under this subchapter may be prosecuted:

27            (1) in any county in which the offense may be

1 prosecuted under other law; or

2 (2) if the consent required by Subsection (c) is  
3 provided, in a county, other than a county described by Subdivision  
4 (1), in which is located the educational institution campus at  
5 which a victim of the offense is enrolled.

6 (c) An offense under this subchapter may be prosecuted in a  
7 county described by Subsection (b)(2) only with the written consent  
8 of a prosecuting attorney of a county described by Subsection  
9 (b)(1) who has authority to prosecute an offense under this  
10 subchapter.

11 SECTION 4. Section 51.936(c), Education Code, is amended to  
12 read as follows:

13 (c) Not later than the 21st day of each semester, each  
14 ~~[Each]~~ postsecondary educational institution shall distribute to  
15 each student enrolled at the institution ~~[during the first three~~  
16 ~~weeks of each semester]~~:

17 (1) a summary of the provisions of Subchapter F,  
18 Chapter 37; and

19 (2) a list of organizations that have been disciplined  
20 for hazing or convicted for hazing on or off the campus of the  
21 institution during the preceding three years.

22 SECTION 5. The change in law made by this Act applies only  
23 to an offense committed on or after the effective date of this Act.  
24 An offense committed before the effective date of this Act is  
25 governed by the law in effect when the offense was committed, and  
26 the former law is continued in effect for that purpose. For  
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense was  
2 committed before that date.

3         SECTION 6. Section 37.155, Education Code, as amended by  
4 this Act, applies only to a civil cause of action that accrues on or  
5 after the effective date of this Act. An action that accrued before  
6 the effective date of this Act is governed by the law in effect at  
7 the time the action accrued, and that law is continued in effect for  
8 that purpose.

9         SECTION 7. This Act takes effect September 1, 2017.